

From Captured State to Captive Mind

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2021-04-03T13:24:42

In loving memory of my late grandmother Czesława Strzuga, The Righteous Among the Nations of the World who tirelessly taught me that in order to really move forward we must never forget about our historical baggage, good.

Whoever wields power is also able to control language and not only with the prohibitions of censorship, but also by changing the meaning of words. A peculiar phenomenon makes its appearance: the language of a captive community acquires certain durable habits; whole zones of reality cease to exist simply because they have no name.

Czesław Miłosz, [Nobel Lecture](#), (1980)

Poland A. D. 2021

[Finding two history professors guilty](#) of allegedly defaming the good name of the individual by researching his alleged role in the Holocaust must not be treated as yet another run-of-the-mill litigation instigated by a relative (niece in this case) concerned about the tarnished good name of her uncle. Rather we seem to be entering an uncharted territory of settling the score by way of the long arm of the law. The sacred dignity of the (Polish) nation hidden under the convenient argument from protecting the “good name” of individual(s) takes center stage and overshadows the need to have a robust historical discourse about the fate of millions of often anonymous victims.

Yet, while focusing all our attention on this one case (“boat”), we run the risk of losing sight of the “journey” and the final destination that is the honest debate of most fundamental questions: who we Poles are, where we have come from and what we have done and, ultimately, whether we are ready to face it now, if ever. The defamation litigation of the historians did not happen in a legal vacuum, nor can we claim that nobody should have seen it coming. Quite the contrary. It was predictable and simply follows from the logic of the state capture that has taken place in Poland since 2015. With the judiciary and public media in Poland in tatters, the time has now come to implement „*politics of (mis)memory*” with one correct vision of history that will captivate minds and hearts of Poles. The most dangerous instalment of such „*politics of mismemory*” has come with the 2018 amendment to the Law on the Institute of National Remembrance by criminalizing public and erroneous assigning to the Polish nation any blame for the Nazi crimes committed by the III Reich. The Minister of Justice, Mr Ziobro, the most dangerous man in a government full of dangerous men, has back then presented his rationale as follows: „[...] *the Polish government took an important step in the direction of creating stronger legal*

instruments allowing us to defend our rights, defend the historical truth, and defend Poland's good name everywhere in the world". He vowed to prosecute all those who defame Poland or the Polish Nation. Already at the drafting stage the law has sparked an uproar over its breathtaking scope and the severity of its sanctions (up to three years of imprisonment) and has been criticized as a „blunt instrument”, yet another example of the nationalist revival in Poland and the return of revisionist history. The critics have pointed out the possible dangers of limiting free speech and research and of building [the martyrological narrative](#) that the world does not understand how much Poland and Poles have suffered.

The diplomatic fall-out with Israel that had followed the entry into force of the law has seen Polish government [finally cave in to pressure](#) by withdrawing the questionable provision. This was rather a minor concession, though, designed merely for the betterment of the diplomatic optics. More general criminal provision (art. 133 of the Criminal Code) remains always in force and states in simple terms “Whoever publicly insults the Nation or the Republic of Poland shall be subject to the penalty of deprivation of liberty for up to 3 years”. Lying dormant for some time now it [is now being used by the subservient prosecutors](#) to impose the master historical narrative on all of us. The civil liability (as used in the case of the two historians) complements the picture of oppression.

Facing history: honestly and openly

In trying to understand the current Polish way of historical “mismemory”, the analysis of Tony Judt can be very instructive. He has argued that two kinds of memories emerged from what he calls the “official version of the wartime experience” which became dominant in Europe by 1948. One was that of the things done to “us” by Germans during the war, and the other that of things (however similar) done by “us” to “others” after the war. This created „*Two moral vocabularies, two sorts of reasoning, two different pasts. In this circumstance, the uncomfortably confusing recollection of things done by us to others during the war [...] got conveniently lost*”. Judt rightly points out the communists’ interest in „*flattering the recalcitrant local population by inviting it to believe the fabrication now deployed on its behalf by the USSR – to wit, that central and eastern Europe was an innocent victim of German assault [...]*’. Already the aborted legislation has sent the ominous signal that history lessons, far from being internalized, are rather instrumentalized to serve the new political masters’ vision of the past.

The same admonition applies to confronting one’s past and building a memory that would capture the entirety of the historical baggage. By revealing the past, we discover the present, and most importantly, build the future in keeping with the constitutional fidelity that binds us across generations. Controversial aspects of a nation’s history must be brought to the fore and discussed openly and dispassionately. *Seeking* historical truth does not equate to *finding* it. Sometimes the process itself is gratifying, even if a final result is unattainable. This is the price for maintaining an ‘overlapping consensus’ and living in a divided society with competing visions and understanding of our history (some more or less plausible). Nobody should be excluded, much less penalised, for taking part in the

exchange and professing his or her own visions of history, which may go against the mainstream (and often momentary) narrative, which has more to do with politics than seeking out historical truth. Imposing sanctions and/or threatening with the civil litigation for statements that go against the grain of the mainstream understanding of “what happened” would clearly inhibit the free flow of views and lead to a ‘one and only’ vision of the past. Public discussion would suffer as a result. It will become predictable and one-sided, always sitting well with the expectations of the regime and its historical policy.

Protecting the good name of the State and/or Nation is deemed more important than a robust, comprehensive and inclusive discussion about the nation's past – a discussion that must tolerate statements, often shocking and controversial, as long as they add to the ongoing debate of public importance and attract general attention. Historical discourse belongs *ex definitione* to this category. To be honest, confronting one's past and building a memory must aim at capturing the entirety of the historical baggage. The evidence must be weighed, the text and context should go hand in hand and all the voices must be heard.

Moving forward: A collective denial?

In a room where people unanimously maintain a conspiracy of silence, one word of truth sounds like a pistol shot .

Czesław Miłosz, [Nobel Lecture](#), (1980)

The last thing Poland needs today is spreading an all-too-easy “culture of treason”, (ab)using its own vision of the past and history as a tool to fight political adversaries. Historical debate should strive for pragmatic recognition that our constitutional allegiances are shaped, reshaped, and re-examined as we move forward. There is no place for fear of failure, because failure is part of the fidelity, we owe to ourselves. Unfortunately, in Poland the past continues to be seen as a collection of indisputable truths, not open to divergent interpretations and historical debate, a “foreign country”, with the keys available only to the “lucky few”. The paranoid politics has already destroyed the judicial review, courts, and free media. It has now set its sights on historical memory. The Polish “[politics of resentment](#)” and the rising *politics of mis-memory* pose the existential danger that the Polish past and history will become an uncontested sphere, dominated by one truth superimposed from above, a truly foreign country with the power of story-telling available only to the “lucky few”. While the captured institutions might be rebuilt, it will take generations to free captive minds and souls. At this moment Poland and the Poles find themselves at a critical juncture: suspended between old myths and the narratives of “what happened” on the one hand, and the rejection of any attempts to finally discover the multidimensional pasts that Poles are heirs to and must own up to, on the other. The dangerous signals sent show that the history lessons continue to be far from being internalised.

Balkin and R. Siegel are right when they argue: “*We turn to the past not because the past contains within it all of the answers to our questions, but because it is the*

repository of our common struggles and common commitments." After all, this is exactly what the Preamble to the Polish Constitution mandates. This is the kind of ideational fidelity that should inform our understanding of our history and the past and shed critical light on the attempt to punish dissenters from the mainstream historical narrative of the day.

All this must not be read as belittling the sufferings of the Polish people and the heroism of Polish Righteous among the nations of the World or questioning Poland's resistance in the face of the atrocities of Nazi occupation. Nobody denies that. The unimaginable destruction of life – physical, spiritual, and cultural – wrought on us by the [Empire of Evil](#) remains a fact that nobody questions. My point is different. The enormity of sufferings would have been more than enough to wipe out entire nations less strong than the Poles. We survived because history was always a repository on which to build a new order and rebuild life. We relied on our accumulated constitutional fidelity and moved forward. We remembered both the good and the bad, and what saved us and our way of life. Therefore, my argument against an imposed understanding of history favours an inclusive historical memory that brings together and exposes all national experiences and narratives. Building a historical debate calls for never-ending "pacting" between the past, present, and future. Such "pacting" would move us away from, what American historian J. Connelly has called *"a historiography obsessed with minutiae and overgrown with easy assumptions about martyrology"* and push towards more critical reading of the where we come from. A nation that is not ready to embark on a comprehensive journey into its past is impoverished and unable to move forward with true understanding of who "We" really are. When grand gestures dominate, and less spectacular soul-searching is lacking, nations become captives of their past rather than its masters.

More than 30 years ago Jan B#o#ski's taboo – breaking essay *"The poor Poles look at the ghetto"* [has broken the cycle of silence](#) as he argued: *"[...] Genocide, of which the Polish people were not guilty, happened after all on our soil and stigmatized this soil forever [...] Our memory and public consciousness must never forget about this bloody and heinous sign. [...] Our homeland is built first and foremost of memory; in other words only memory of the past gives us a chance to be ourselves. This past is not to be disposed of freely, even though we cannot be held directly responsible for the past in our individual capacity. We are obliged to carry this past inside us, irrespective of how painful it might be. And we should strive to cleanse it ... all the profanity that happened here on this soil obliges us to perform such an act of cleansing. On this graveyard this obligation really boils down to a respect for one thing: to see our past in truth"* (my translation).

The last thing Poland needs today is the spreading an all-too-easy "culture of treason", (ab)using its own vision of the past and history as a tool to fight political adversaries and to divide Poles into "better" and "worse" sorts and imposing one correct historical orthodoxy on society and enforcing it through criminal law, all as part of the wicked politics of resentment and mis-memory. Yet this politics seems to be engulfing Poland at an alarming rate. This is exactly where the challenge of looking beyond the boats comes to the fore. What is most alarming is the rise of the official, government – backed historical narrative already taking shape. The narrative

argues that the bunch of fancy historians by revisiting allegedly settled and one – dimensional history transforms unjustly poor Poles from victims into perpetrators. We are told that their research and academic queries betray the nation and aim at ... deforming the history by equating Nazi crimes with the actions of the heroic (all) Poles ... Preposterous and mind – boggling? Yes. Captivating and attractive for the masses? By all means as the captive mind is always prone to easy – to – understand, intuitive and exonerating myths that conveniently explain “what has happened”. This is the treacherous journey that the authoritarian government wants us to join now. Do we join?

Again as put by J. B#o#ski “*on this Polish graveyard our obligation to carry the past must boil down to seeing this past in truth*”. My understanding of constitutional fidelity in this context is about a generational reading of our national history. It is not about uncritical iconoclasm. It is about pragmatic recognition that our constitutional allegiances are shaped, reshaped, and re-examined as we move forward and as the world around the constitution changes and fluctuates. There is no place for fear of failure, because failure is part of the fidelity, as no Constitution is perfect. Fidelity is about the journey and the process, rather than a boat and a final destination. The past must be the key to the future, but not only. After all, Constitutions that are meant to last must be understood as documents made for people of fundamentally different views. Memory, properly understood, should challenge and/or subvert dominant accounts of history. It might be used to disguise and cover up, or to liberate and reveal. What matters, though, is that no one overarching master narrative exists, and that disagreement should make up for not for one, two, but many “contested pasts”.

In Poland A.D. 2021 it already sounds like crying out in the historical wilderness. And despite this somber conclusion, I will not stop. After all, this is MY, YOUR and OUR history. These are MY, YOUR and OUR myths and stories. *Not theirs*. And for carrying this truth with me, I will be forever grateful to my grandmother.

